IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

THRUSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION Nos. 34314 of 1998, 1547 of 1997, 9198 of 1999 and 12878 of 1997.

WRIT PETITION No. 34314 OF 1998

Between:

D.Atchuthanand S/O NARAYANA
H.NO 3-5-941 Susheelawadi,
Himayath Nagar Hyderabad 029.

..... PETITIONER

AND

1. Union of India rep. by its Secretary

Environment and Forest

Central Secretariat, New Delhi.

2. The Central Pollution Control Board

rep. by its Member-Secretary

Parivesh Bhavan, East Arjunnagar

New Delhi.

3. A.P. State Pollution Control Board
rep. by its Member Secretary
Maitrivan, Hyderabad.

4. The State of A.P., rep. by its Principal
Secretary (Home), Secretariat Buildings,
Secretariat, Hyderabad.

5. Capt. J.Rama Rao S/o J.Venkata Rao
71 years, Occ. Captain, Indian Navy (Rtd.)
Banjara Hills, Hyderabad.

6. The East Godavari District Taxi Owners
and Workers Welfare Association, rep. by its
President.

(Respondents 5 & 6 are impleaded as per Court order
dated: 31.3.2001 in WPMP No. 22119 of 2000)

7. Centre of Environment Concerns
rep. by its Secretary, M.Sashi Kumar
s/o late MVK Acharya, 47 years
Office at 3-4-142/6, Barkatpura
Hyderabad.

(Respondent No. 7 is impleaded as per Court order in WPMP
No. 20743/2001 dated: 18.11.2002.)

8. The Environment Protection Training and Research

Institution (EPTRI), 91/4, Gachibowli, Hyderabad-32.

(Respondent No. 8 is impleaded by Court order dated:

18.11.2002 in W.P. 34314 of 1998.)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ order or order direction directing the respondents to implement the Supreme Court directions issued in AIR 1988 SC 103 W.P. 639/96 and 95/97, dated 12.5.1998 and reiterated in AIR 1988 SC 2340 and pass such other order or orders as are deemed fit and proper

For the Petitioner:Mr.R.VIJAYANANDAN REDDY , Advocate

(not present)

For the Respondent No. 1: A.Rajasekhar Reddy

Standing Counsel for Central Govt.

For the Respondent No.2: -----

For the Respondent No.3:Mr. S.V.Bhatt for Mr.E.Kalyanram

Standing Counsel for A.P. P.C.B.

For the Respondent No.4: Spl. G.P. for Advocate-General.

For the Respondent No.5: Ms. S.Sridevi, Advocate

(not present)

For the Respondent No.6: Mr.K.G.Kannabhiran, Advocate

(not present)

For the Respondent No. 7: Mr.B.Nalin Kumar, Advocate

(not present)

For the Respondent No.8: Mr.A.Ramalingeswara Rao,

Advocate.

Mr.K.G.Kannabhiran

Amicus Curiae

<u>WRIT PETITION NO : 1547 of 1997</u>

Between:

Anonymous

..... PETITIONER

AND

1.The Andhra Pradesh Pollution Control Board
rep. by its Chairman Hyderabad

2. The Secretary to Governement of A.P., Transport, Roads and Buildings Dept., ecretariat Hyderabad

3.The State Road Transport Corporation
Hyderabad.

(Respondent No.3 is impleaded as per Court order dated:

20.2.1997 in W.P. 1547 of 1997)

4.The Municipal Corporation of Hyderabad
rep. by its Commissioner.

5.The Commissioner of Police
Hyderabad City.

(Respondents 4 and 5 are impleaded as per Court order

dated: 26.3.1997 in W.P. No.1547 of 1997)

6. Centre of Environment Concerns

rep. by its Secretary, M.Sasi Kumar

S/o late MVK Acharya, 47 years

Office at 3-4-142/6, Barkatpura

Hyderabad.

7. Environment Protection Training and Research

Institution (EPTRI), 91/4, Gachibowli, Hyderabad-32.

(Respondent No.6 is impleaded as per Court order in WPMP No.20747/2001 in W.P.No.1547/97, dated: 18.11.2002 and Respondent No.7 is impleaded as per court order in W.P.No.1547/97 dated: 22.11.2002.)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that for the reasons stated in the Anonymous Petition the High Court will be pleased to issue an order, direction or a writ, more particularly One in the nature of Writ of Mandamus directing the Respondents herein to Counter Check the Vehicles which have been issued the pollution Free Certificate by the private Organizations showing favoritism in spite of defective Vehicles emitting smoke containing Toxic gases which causes blood circulatory and respiratory disorders and to pass such order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For the Petitioner: Ms.P.RAJ KUMARI, Advocate

(Not present)

For the Respondent No.1: Mr.S.V.Bhatt for Mr.E.Kalyanram

Standing Counsel for APPCB.

For the Respondent Nos.2,4 &5: Spl. Government Pleader

for Advocate-General.

For the Respondent No.3: Ms.Nanda Ramchander Rao

Standing Counsel for APSRTC.(not present)

For the Respondent No.6: Mr.B.Nalin Kumar, Advocate

(Not present)

For the Respondent No.7: Mr.A.Ramalingeswar Rao

Advocate.

WRIT PETITION NO : 9198 of 1999

Between:

Colonel Nisar Ahmed Ansari
H.NO.12-2-790/17, Ayodhyanagar Colony Reti Bowli
Hyderabad.

..... PETITIONER

AND

1. The District Collector, Hyderabad District,
Hyderabad.

2. The Commissioner of Police,
Twin Cities of Hyderabad
Hyderabad & Secunderabad.

3. The Director General of Police
Govt of A.P Hyderabad.

4. The Member Secretary
A.P Pollution Control Board Hyderabad.

5. The Chairman,HUDA Hyderabad.
6. The Commissioner of Transport
Govt of A.P Hyderabad.

7. The Joint Commissioner of Transport
Govt of A.P Hyderabad.

8. The Secretary to the Govt.of A.P.
Govt of .A.P Transport, Roads & Building Dept Secretariat
Hyderabad.
9. The Secretary, Govt of A.P., Dept of Forest,
Environment, Science and Technology Secretariat, Hyderabad.

10. The Secretary, Govt of A.P., Home (Transport & Police) Dept.,Secretariat ,
Hyderabad.

11. The Chief Secretary, Govt of A.P, Secretariat, Hyderabad.

12. Centre of Environment Concerns, rep. by its Secretary, M. Sashi Kumar, Office at 3-4-142/6 Barkatpura,
Hyderabad.

13. Enviroment Protection Training and Research Institute

EPTR 91/4
Gachibowli, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that for the

reasons stated in the Petition dated: 1.1.1999, the High Court will be pleased to issue an order direction or a Writ more particularly one in the nature of Writ of Mandamus calling for records and remarks from the Respondents herein in and connected to "Failure in controlling the Automobile Pollution in the Twin Cities of Hyderabad and Secunderabad" and pass appropriate orders against the Respondents for Criminal negligence in the matter of the violation of the statues of the Motor Vehicles Act, 1988, and other pollution Control laws of the land and to pass such other order or further orders as this Hon'ble Court may deem fit and proper in the Circumstances of the case.

Counsel for the Petitioner: PETITION

For the respondent Nos.1,2,3,6,7,8,9,10,11: Spl. G.P. for

Advocate-General.

For the Respondent No.4: Mr.S.V.Bhatt for Mr.E.Kalyanram

Standing Counsel for APPCB.

For the Respondent No.5: None present.

For the Respondent No.12: Mr.Nalin Kumar, Advocate

(not present)

For the Respondent No.13: Mr.A.Ramalingeswara Rao

Advocate.

WRIT PETITION NO : 12878 of 1997

Between:

S.M Jaya Rao
General Secretary, Citizen Forum
Tanuku, West Godawari.

..... PETITIONER

AND

1. The Govt. of A.P., Secretariat, rep. by its Chief Secretary,
Secretariat, Hyderabad.
2. The Govt. of A.P. rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
3. The Member Secretary, A.P Pollution Board, Hyderabad.
4. The A.P.S.R.T.C., rep. by its General Manager

Hydereabad.
5. The Secretary to Govt., Transport Dept., Secretariat
Hyderabad.

6.The Commissioner, Municipal Corporation Hyderabad, Hyderabad.
7. The Commissioner of Police, Hyderabad.

8. The Director of Industries Govt. of A.P. Hyderabad.

9. Centre of Environment Concerns

rep. by its Secretary, M.Sasi Kumar

S/o late MVK Acharya, 47 years

Office at 3-4-142/6, Barkatpura

Hyderabad.

(R9 is impleaded as per Court order in WPMP No.20744/01 in W.P. No.12878/97 dated: 18.11.2002)

10. The Environment Protection Training Centre and Research

Institute (EPTRI), 91/4, Gachibowli, Hyderabad-32.

(R10 is impleaded as per Court order in W.P. 12878/97, dated:

18.11.2002).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that for the reasons stated in the Petition the High Court will be pleased to issue an order, direction or a writ more particularly one in a nature of Writ of "Mandamus" To declare the action of the Respondents in not taking any preventive measure to check the pollution causing decrease in Hemoglobin level in the body which cause depression as illegal and therefore the petitioner pray to the Hon'ble Court to issue direction: (1) To protect the Citizens of Capital City from Vehicular(or) Industrial Pollution; (2) To direct the Respondents Nos. 2 to 5 to take measures/implement the various laws to protect citizens from pollution; (3) To direct the Respondent No.1 to have master plan to make the City Green and to protect from Hazardous Air pollution. (4) To direct the Respondents to take all reasonable care to protect the monument 'Charminar' (404Years) from pollution; (5) To appoint Legal Council through State Legal Service Authority (SLSA) to the petition Forum; and to pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: Ms. G.Anupama Chakravarthy

For the Respondent Nos. 1,2, and 5 to 8 : Spl. G. P. for

Advocate-General.

For the Respondent No.3: Mr.S.V.Bhatt, SC for APPCB.

For the Respondent No.4: Ms.Nanda R.Rao, Standing

Counsel for APSRTC. (not present)

For the Respondent No.9: Mr.Nalin Kumar, Advocate

(not present)

For the respondent No.10: Mr.A.Ramalingeswar Rao

Advocate.

The Court made the following :

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ORAL COMMON ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

On the last date of hearing, we had noted the scope of these four writ petitions, which have remained pending and are on the Court's docket without any further progress. We had also made reference to the detailed affidavit filed by Ms.Gayathri Ramachandran, Director-General of Environment Protection Training and Research Institution, Hyderabad as also the suggestions. In the light of the material on record, we have directed the State Government to take into consideration various reports submitted from time to time as also the affidavit of EPTRI and to submit status report on the action plan or steps proposed to be taken to solve the problem about the vehicular pollution in the twin cities of Hyderabad and Secunderabad.

Learned Special Government Pleader has drawn our attention to the report on Vehicular Pollution Management in Twin Cities and the new action plan, which has

jointly been prepared by the A.P. Pollution Control Board and the Commissioner of Transport for air quality improvement for the city of Hyderabad. As per the directions issued by the Supreme Court, the said action plan is stated to have been submitted before the Burelal Committee on the several aspects of the vehicular pollution, namely, improving vehicle technology, improvement in fuel quality, phasing out of old vehicles, adulteration of fuel, use of alternative fuels, institutional plans for implementation of gaseous fuel programmes, traffic and transport management and fiscal measures. The new action plan refers to the implementing agency, target dates and the status of the ongoing activity as on 13.7.2004.

From the proposed new action plan, which has been prepared by the Andhra Pradesh Pollution Control Board in consultation with the Commissioner of Transport, we are satisfied that respondents are now seriously considering the problem and find out ways and means to overcome the same. Hence, in view of the new action plan, hardly, any direction requires to be issued in these Writ Petitions. Accordingly, we close the Writ Petitions without any further directions. No costs.

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DEVINDER GUPTA, C.J.

12.08.2004

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C.V.RAMULU, J.

VR.

To

1. The Secretary, Union of India,

Environment and Forest

Central Secretariat, New Delhi.

2. The Member Secretary,

The Central Pollution Control Board

Parivesh Bhavan, East Arjunnagar

New Delhi.

3. The Member Secretary,

A.P. State Pollution Control Board

Maitrivan, Hyderabad.

4. The Principal Secretary to Govt. of A.P.,

Home Department, Secretariat Buildings,

Secretariat, Hyderabad.

5. Capt. J.Rama Rao S/o J.Venkata Rao

71 years, Occ. Captain, Indian Navy (Rtd.)

Banjara Hills, Hyderabad.

6. The East Godavari District Taxi Owners

and Workers Welfare Association, rep. by its

President.

7. The Secretary, Centre of Environment Concerns

s/o late MVK Acharya, 47 years

Office at 3-4-142/6, Barkatpura

Hyderabad.

8. The Environment Protection Training and Research

Institution (EPTRI), 91/4, Gachibowli, Hyderabad-32.

9. The Secretary to Governement of A.P., Transport, Roads and Buildings Dept., Secretariat Hyderabad

10.The State Road Transport Corporation
Hyderabad.

11. The Commissioner, Municipal Corporation of Hyderabad
Hyderabad.

12.The Commissioner of Police
Hyderabad City, Hyderabad.

13. The District Collector, Hyderabad District,
Hyderabad.

14. The Director General of Police
Govt of A.P Hyderabad.

15. The Chairman,HUDA Hyderabad.

16. The Commissioner of Transport
Govt of A.P Hyderabad.

17. The Joint Commissioner of Transport
Govt of A.P Hyderabad.

18. The Secretary to the Govt.of A.P.
Govt of .A.P Transport, Roads & Building Dept Secretariat
Hyderabad.

19. The Secretary, Govt of A.P., Dept of Forest,
Environment, Science and Technology Secretariat, Hyderabad.

20. The Chief Secretary, Govt. of A.P, Secretariat, Hyderabad.

21. The Director of Industries Govt. of A.P. Hyderabad.

22. Two CCs to the Advocate-General, High Court Bldgs., Hyderabad (OUT).

23. The Special Officer, Public Interest Litigation Cell, High Court Buildings, Hyderabad.

24. The Secretary, A.P. State Legal Aid and Advisory Board, High Court Buildings, Hyderabad.

25. The Section Officer, Legal Aid, High Court Buildings, Hyderabad.

26. Two CD copies.